

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WAYNE BRABSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-295 Erie
	)	
JANIS WILSON,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on December 14, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on December 18, 2006, recommended that Plaintiff's action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d). The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. No objections were filed. However, Plaintiff filed a motion to amend his complaint on December 28, 2006 [Doc. No. 3]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and motion to amend the complaint, the following order is entered:

AND NOW, this 8<sup>th</sup> day of January, 2007;

IT IS HEREBY ORDERED that Plaintiff's action is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d). IT IS FURTHER ORDERED that Plaintiff's motion to amend the complaint [Doc. No. 3] is DENIED as futile.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on December 18, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge